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The Honorable Frank L. Kurtz

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

In Re:  
SHUMATE SPOKANE, LLC,  
Debtor.

No. 09-05081-FLK11  
CHAPTER 11  
OBJECTION TO MOTION TO  
SELL ASSETS

Harley Davidson Credit Corporation (“HDCC”), by and through its attorneys Lukins & Annis PS, objects to the proposed sales of assets of the Spokane dealership.

1. The Asset Purchase Agreement does not provide sufficient information for HDCC to determine the amount it will be paid as a consequence of the sale.

2. Information on distribution of purchase proceeds is necessary for the secured creditors to determine the amount of the purchase price which will be

OBJECTION TO MOTION TO SELL ASSETS: 1

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applied to their respective loan balances. The allocation should be provided well before the hearing on the motion to approve the sale.

3. The motion does not contain the necessary information required under Local Bankruptcy Rule 6004, including the distribution of sales proceeds.

4. The Debtors may not sell property free and clear of secured claims without the consent of the secured creditors or pursuant to a proceeding in which the Debtors could compel such a sale. No such circumstance exists and HDCC has not consented to this sale.

5. HDCC has requested, but not received assurance of prompt payment upon closing. HDCC objects to any sale that would allow a closing without prompt payment of secured debt.

DATED this 12<sup>th</sup> day of May, 2010.

LUKINS & ANNIS, P.S.

By

JED W. MORRIS  
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Attorneys for Plaintiff  
Harley-Davidson Credit Corp.

## OBJECTION TO MOTION TO SELL ASSETS: 2

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